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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77893997
Applicant	Geske, Andr��
Applied for Mark	BACI LINGERIE
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Submission	Applicant's Motion to Suspend
Attachments	Baci-Request for Suspension of Appeal-Executed.pdf(65658 bytes)
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Date	05/31/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN RE APPLICATION OF	:
	:
APPLICANT: ANDRE GESKE	:
	:
MARK: BACI LINGERIE (STYLIZED)	:
	:
SERIAL NO. : 77/893997	:
	:
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REQUEST FOR SUSPENSION OF APPEAL

Pursuant to TBMP § 1213, and the authorities cited therein, Applicant by assignment, The Next Adventure LLC, a Delaware limited liability company having an address of 59 Lake Drive, Hightstown, New Jersey (“The Next Adventure”), and acting as assignee of the mark which is the subject of federal application serial number 77/893997, together with the application for registration of such mark, hereby requests suspension of this appeal.


The Next Adventure states that states that it is the assignee of the entire right, title and interest in the mark which is the subject of federal application serial number 77/893997, together with the application for registration of such mark. The Next Adventure has submitted proof of the assignment attached as Exhibit A to its Notice of Assignment of Application filed with the Board concurrent herewith.

As grounds for its request for a suspension of the appeal, Applicant states that, in a Partial Final Action issued on October 9, 2012, the Examiner denied registration of Applicant's mark, citing U.S. Registration Nos. 3,234,869 and 2,836,400. U.S. Registration No. 3,234,869, issued on April 24, 2007 for the mark TANTI BACI, is now past due for an affidavit of continued use (or excusable nonuse). Pursuant to TBMP § 1213(3), the Board may, and should, suspend the appeal pending a determination of whether U.S. Registration No. 3,234,869 will continue in existence.

In addition, U.S. Registration No. 2,836,400, for the mark BACCI, is the subject of a cancellation proceeding currently pending before the Board as Opposition Proceeding No. 91209940, in which Applicant has filed a Counterclaim seeking the cancellation of U.S. Registration No. 2,836,400. Pursuant to TBMP § 1213(1), the Board may, and should, suspend this appeal pending a final determination on Applicant's Counterclaim in Opposition Proceeding No. 91209940.

For the foregoing reasons, Applicant respectfully requests that the appeal be suspended.

Respectfully submitted,

By: 

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May 30, 2013

Attorney for Applicant by Assignment